REMARKS

Claims 47-50 and 66-75 are currently pending in the present application. The final Official Action rejects Claims 47-49 and 68-75 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,615,038 to Bryan J. Moles, et al. The Official Action also rejects Claim 50 under 35 U.S.C. § 103(a) as being unpatentable over the Moles '038 patent in view of U.S. Patent No. 6,141,681 to David Kyle, and Claims 66 and 67 as being unpatentable over the Moles '038 patent in view of U.S. Patent No. 5,724,345 to Paul J. Guarneri, et al.. As described in detail below, each of the claims has been amended to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination. Based on the forgoing amendments and the following remarks, Applicant respectfully requests reconsideration the present application and allowance of the amended set of claims.

Independent Claim 47 is drawn to a method for activating a configuration tool in a configuration server for managing a configurable controlling function of a terminal system. The method includes an initial step of receiving a configuration upgrade message with the configuration server from a source of a software upgrade. As described by the present application, the configuration server may be an operation and maintenance (O&M) server. As recited by independent Claim 47, the upgrade information is saved in a database associated with the configuration server, such as the O&M server. A plurality of users requiring the software upgrade are then identified. After the plurality of users that require the software upgrade have been identified, the software upgrade is provided to respective terminal servers associated with the plurality of users for subsequent distribution by the terminal servers to respective terminals of users identified to require the software upgrade. As described by the present application, for example, the terminal servers associated with the plurality of users may be remote servers, such as a mobile display appliance (MDA) servers, that maintain data and/or applications (such as bookmarks, contact lists, etc.) on behalf of the users such that the users' terminals may be thin. Thus, the method of amended independent Claim 47 does not transfer the software upgrades directly to the users' terminals from the configuration server but, instead, transfers the software upgrades to the terminal servers associated with the users' terminals that require the software

upgrade. Accordingly, the terminals may remain thin with the terminal server associated with the terminals performing at least some of the communications and processing functions.

Although described above in conjunction with independent Claim 47, independent Claims 70, 72 and 74 include comparable recitations in terms of a system, a configuration server unit and a computer program product, respectively. Further details regarding one embodiment of independent Claims 47, 70, 72 and 74 are described on page 47, line 23 – page 49, line 22 and is depicted in Figures 8a and 8b.

Similarly, independent Claim 49 is drawn to a method to activate the configuration tool in a configuration server for managing a configurable controlling function of a browser and includes the initial step of receiving an upgrade message in the configuration server from a service provider that provides an end service product. The end service product is then received and saved in a database. As shown in Figure 9a, for example, the database may be a memory device associated with configuration server, e.g., the O&M server, that communicates with the service provider via the Internet. A plurality of users having a contract that requires delivery of the end service product are then identified. After identifying the plurality of users that require delivery of the end service product, product information relating to the end service product is provided to respective terminal servers associated with the plurality of users that were identified to have contracts requiring delivery of the end service product for subsequent distribution by the terminal servers to respective terminals of users identified to have contracts requiring delivery of the end service product. As described above, the terminal server associated with the users may again be a remote server, such as an MDA server, for example. Thus, the method of amended independent Claim 49 also does not transfer the end service products directly to the users' terminals from the configuration server but, instead, transfers the end service products to the terminal servers associated with the users' terminals that have contracts requiring delivery of the end service product. Accordingly, the terminals may remain thin with the terminal server associated with the terminals performing at least some of the communications and processing functions.

Although described above in conjunction with independent Claim 49, independent Claims 71, 73 and 75 include comparable recitations in terms of a system, a configuration server

unit and a computer program product, respectively. Further details regarding one embodiment of independent Claims 49, 71, 73 and 75 are described on page 50, line 1 – page 52, line 4 and is depicted in Figures 9a and 9b.

The Moles '038 patent describes a system and method for automatically creating and updating a mobile station configuration database in a wireless network. In this regard, a manufacturer would transmit upgrades to a mobile station configuration server. As described in column 6, line 13-17, the mobile station configuration server "is a system-wide central server that is located remote from the other components of [the] wireless network". The manufacturer may transmit an upgrade to the mobile station configuration server in response to an inquiry by the mobile station configuration server or proactively as upgrades become available. The mobile station configuration server then determines the mobile stations to which the upgrade should be provided. In this regard, the mobile station configuration server can determine which mobile station should receive the upgrade based upon information stored by the mobile station configuration server relating to the current configurations of the mobile stations. After identifying the mobile stations to which the upgrade should be provided, the mobile station configuration server provides the upgrades to the respective mobile stations.

As described, the mobile station configuration server of the Moles '038 patent may be considered akin to the configuration server of the amended independent claims. In this regard, the mobile station configuration server may be analogized to the configuration server since both the mobile station configuration server of the Moles '038 patent and the configuration server of the amended set of claims communicate with the source of the upgrade (either a software upgrade in terms of independent Claims 47, 70, 72 and 74 or a end service product in terms of independent Claims 49, 71, 73 and 74) to receive and store the upgrade. Moreover, both the mobile station configuration server of the Moles '038 patent and the configuration server of the amended set of claims identify the users that require the upgrade. In contrast to the Moles '038 patent which describes the mobile station configuration to transmit the upgrade directly to the mobile station, the amended independent claims recite that the configuration server provide the upgrade to respective terminal servers associated with the users identified to receive the upgrade such that the terminal server can subsequently distribute the upgrade to the respective terminals

of users identified to receive the upgrade. With reference to Fig. 2 of the Moles '038 patent, for example, the mobile station configuration server transmits the upgrade over the intranet/internet for subsequent relay by the interworking function, the mobile station controller and a base station to the mobile station. However, the Moles '038 patent does not teach or suggest the provision of the upgrade to a terminal server for subsequent distribution to respective terminals serviced by the terminal server that were identified to receive the upgrade as recited by the amended set of claims. As described above, the introduction of an additional network entity that is, the terminal server, permits some of the communications and processing functionality that is otherwise shouldered by the terminals themselves to be offloaded to the terminal servers that perform these services on behalf of one or more terminals, thereby permitting the terminals to be advantageously thin.

For each of the foregoing reasons, the Moles '038 patent does not teach or suggest the amended independent claims, or any of the claims that depend there from. Further, neither of the secondary references teaches or suggests the provision of an upgrade by a configuration server to respective terminal servers that are associated with the plurality of users identified to require the upgrade for subsequent distribution by the terminal servers to respective terminals of the users identified to require the update. Indeed, the final Official Action cited the secondary references in conjunction with specific features set forth by dependent Claims 50, 66 and 67 as apposed to the overarching process set forth by the amended independent claims. Since none of the cited references teach or suggest the provision of an upgrade by a configuration server to respective terminal servers associated with the plurality of users identified to require the upgrade for subsequent distribution by the terminal servers to respective terminals of the users identified to require the upgrade as recited by each amended independent claim, Applicant submits that the amended independent claims are also not taught or suggested by any combination of the cited references.

Since the dependent claims include each of the recitations of a respective independent claim, the dependent claims are likewise not taught or suggested by the cited references, taken either individually or in combination, for at least the same reasons as described above in conjunction with the amended independent claims. However, a number of the dependent claims

include additional recitations that are also not taught or suggested by the cited references, thereby providing additionally bases for patenability.

For example, the final Official Action cites the Kyle '681 patent with regard to dependent Claim 50 which recites that a virus search is made of the end service prior to conveying the product to the terminal server. In contrast to the method of dependent Claim 50 in which a virus search is made prior to the conveyance of the end service product, the Kyle '681 patent describes the performance of a virus check following the transmission of the data packet. In other words, the Kyle '681 patent describes the performance of a virus check by a local computer that receives a data package as apposed to performance of the virus check at the host computer which transmits the package. Thus, neither the Kyle '681 patent or any of the other cited references teach or suggest the performance of a virus search on the end service product that is transferred to a terminal server prior to conveyance of the end service product to the terminal server as recited by dependent Claim 50.

Further, dependent Claims 66 and 67 further recite the identification of a terminal server to which an upgrade has not been provided and then, in response to the activation of a terminal associated with a terminal server, the determination if the terminal server has previously received the upgrade and, if not, the provision of the upgrade to the terminal sever. Accordingly, dependent Claims 66 and 67 advantageously provide for the further distribution of an upgrade to terminal servers that did not originally receive the upgrade as result of the terminal servers not originally supporting any terminals that required the upgrade, but that later came to support terminals that came on line after the initial distribution of the upgrade that require the upgrade. Although the final Official Action cited the Guarneri '345 patent relative to dependent Claims 66 and 67, the Guarneri '345 patent merely performs error detection for a data transmission to determine if all data blocks have been properly received. Following a retransmission, any data blocks that have not been received can be filled from the corresponding data blocks in the retransmission. As described, neither the Guarneri '345 patent nor any of the other cited references teach or suggest the identification of terminal servers that did not receive an upgrade and subsequently providing the upgrade to those terminal servers in response to activation of terminals supported by those terminal servers that require the upgrade, as recited by amended

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dependent Claims 66 and 67. Furthermore, dependent Claims 68 and 69 included comparable recitations to those set forth by dependent Claims 66 and 67, respectively, with a dependence form independent Claim 49 as apposed to independent Claim 47. For each of these additional reasons, Applicant further submits that the dependent claims are not taught or suggested by the cited references, taken either individually or in combination.

For each of the forgoing reasons, Applicant therefore submits that the rejections of the claim are overcome.
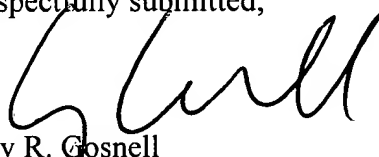
CONCLUSION

In view of the amendments and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.
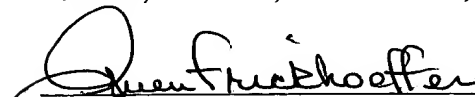
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 5, 2005.

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